



THE WHITE BUILDING
ONE N.E. 2ND AVENUE
SUITE 200
MIAMI, FL 33132
TEL/FAX : (305) 767-2001
JASON@XANDERLAW.COM
WWW.XANDERLAW.COM

September 11, 2018

Via Email:

pasha@waleup.com

Mr. Pasha Galbreath (Probiv)
29 Fan Hill Road
Monroe, CT 06468

RE: Unauthorized Use of PayCargo Name and Intellectual Property

Dear Mr. Galbreath (Probiv):

As you are aware, this firm represents PayCargo, LLC ("PayCargo") in connection with the above-referenced matter. This letter is being written for the purpose of explaining to you the enclosed affidavit, which has been drafted based on your representation of the facts and circumstances, as well the investigation of PayCargo.

While PayCargo has grounds to file suit against you for the various breaches of fiduciary duties, misuse of company assets and defamation, you are being offered an opportunity to avoid this litigation by executing the attached affidavit within ten (10) days of your receipt. In the event that you comply with this request and can verify and attest to the information contained in the affidavit, PayCargo will not move forward with litigation against you and this affidavit will be kept for internal purposes.

On the other hand, your failure to execute the attached affidavit will result in the institution of legal proceedings against you and your companies. With regard to Max Lukshits, as an employee of Wale Up, LLC, he is considered to be your agent and you will need to find a way to ensure that Mr. Lukshits has complied with the requirements that are detailed in the affidavit.

If you need to speak with myself or Olivier Carissimo to confirm any of the information contained herein, please do not hesitate to do so. Your anticipated cooperation is appreciated.

Very truly yours,

JASON H. WEBER, ESQ.
For the firm

JHW/jdp
Enclosure
cc: Client

AFFIDAVIT OF PASHA GALBREATH a/k/a PASHA PROBIV

STATE OF NEW YORK)

COUNTY OF NEW YORK)

BEFORE ME, the undersigned authority, personally appeared Pasha Galbreath a/k/a Pasha Probiv (“Probiv”), who, being by me first duly sworn, deposes and says:

1. I am over eighteen (18) years of age and competent to provide a sworn statement.
2. I, Pasha Galbreath a/k/a Pasha Probiv, was employed as the Chief Technology Officer (“CTO”) of PayCargo, LLC (“PayCargo”) from September 1, 2017 until I tendered my resignation on or about July 23, 2018. Subsequently, on August 15, 2018 I was terminated by the CEO of PayCargo.
3. Prior to my becoming the CTO of PayCargo, during and after my tenure as CTO at PayCargo, I have been the CEO of a software company called Wale Up, LLC (“Wale Up”). I hired an individual named Max Lukshits through my company Wale Up for the purpose of working exclusively for PayCargo.
4. In connection with my duties as CTO of PayCargo, LLC both myself and Max Lukshits were provided with access to PayCargo’s technology, trade secrets, systems, source code, development environments and hardware.
5. Without authorization from PayCargo, I used my personal Amazon Web Service (“AWS”) account to create instances to be used for the PayCargo development environment. PayCargo paid \$600.00 per month for my AWS account and I acknowledge that I had other personal and business items on my AWS account which had nothing to do with PayCargo.
6. I have turned over the ROOT passwords for the PayCargo related instances of my AWS account and hereby confirm that all PayCargo related instances have been deleted from my

AWS account and I no longer have access of any kind to any PayCargo related development environment, software, source code, data, databases or any other information related to PayCargo through my AWS account.

7. I continue to comply with all requests for passwords, access, administrative access and the turn over of any other information requested by PayCargo.

8. I further attest to the following:

a. I have deleted, or caused to be deleted, any and all data, databases, software, source code, information and any information related in any way to PayCargo from my personal computer(s).

b. I have deleted, or caused to be deleted, any and all data, databases, software, source code, information and any information related in any way to PayCargo from any computers used or owned by Whale Up.

c. I have deleted, or caused to be deleted, any and all data, databases, software, source code, information and any information related in any way to PayCargo from any computers used or owned by Max Lukshits in connection with his tenure at PayCargo through my company.

d. I certify that I have not made any copies or replications of any PayCargo related data, databases, software, source code, information or anything related to PayCargo and PayCargo's proprietary information in any format and on any computer or storage device and that any copies or replications that were made have been permanently deleted.

9. I certify that I have returned all company assets provided to me by the company, including, but not limited to, computer hardware that was purchased by PayCargo and made available for my use while an employee of PayCargo.

10. I certify that I have not and will not in any form or capacity, either individually or through a third party, access or attempt to access the PayCargo system or any components thereof.

11. I hereby acknowledge that in performing my duties as an employee of PayCargo, I received, and was given access to, certain confidential, secret and proprietary information in the form of records, data, specifications, formulas, technology, inventions, devices, products, methods, know-how, processes, financial data, customer and/or vendor information and practices, customer lists, marketing methods, cost information, employee information and trade secrets (hereinafter collectively "Confidential Information") developed and owned by PayCargo concerning the business, products and/or services of PayCargo and I certify that I will not directly or indirectly, disclose or utilize, or cause or permit to be disclosed or utilized, to any person or to any entity whatsoever any Confidential Information acquired pursuant to my employment with PayCargo or otherwise.

FURTHER AFFIANT SAYETH NAUGHT

PASHA GALBREATH a/k/a PASHA PROBIV.

SWORN TO AND SUBSCRIBED before me by PASHA GALBREATH a/k/a PASHA PROBIV, who is personally known by me this ____ day of _____, 2018.

NOTARY PUBLIC, State of New York

My Commission expires:
My Commission Number is: